

tember 24, 1931, alleging that the article had been shipped in interstate commerce from Duluth, Minn., into the State of Kentucky, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance, and in that it was a portion of an animal unfit for food.

On October 3, 1931, no claimant having appeared for the property, and the court having found that the product was spoiled and unfit for human consumption, a decree was entered ordering that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18901. Misbranding of canned asparagus. U. S. v. 26 Cases of Canned Asparagus. Consent decree of condemnation and forfeiture. Product released under bond. F. & D. No. 27031. I. S. No. 25825. S. No. 5238.)

Examination of samples of a product represented to be asparagus tips having shown that the article consisted of center cuts of asparagus, with no tips present, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On October 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 26 cases of canned asparagus at Cincinnati, Ohio, consigned by the Pratt-Low Preserving Co., Redwood City, Calif., April 9, 1931, alleging that the article had been shipped in interstate commerce from Redwood City, Calif., into the State of Ohio, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Case) "Honey Grove Asparagus * * * Packed for Cincinnati Who. Gro. Co., Cincinnati, Ohio;" (can) "Honey Grove Soup Cuts California Asparagus Tips." The cans further bore a design showing asparagus tips.

It was alleged in the libel that the article was misbranded in that the statement on the label, "Asparagus Tips," was false and misleading when applied to center cut asparagus containing no tips; and in that the design of whole uncut spears of asparagus with tips deceived and misled purchasers when applied to a product consisting of sections cut from the center of asparagus stalks.

On October 2, 1931, the Cincinnati Wholesale Grocery Co., Cincinnati, Ohio, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18902. Adulteration of butter. U. S. v. 9 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27129. I. S. No. 38709. S. No. 5301.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On October 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the St. Paul Terminal Warehouse Co., Duluth, Minn., for the North Kingston Dairy Association, Kimball, Minn., September 23, 1931, and had been transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tub) "Cremoland Guaranteed Pasteurized Butter * * * Zenith-Godley Co. New York."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat, as prescribed by the act of March 4, 1923; and in that the article was deficient in butterfat.